



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

SNIEGOWSKI ET AL.

Serial No.: 10/791,396

Filed: 3/2/04

Confirmation No.: 2579

Atty. File No.: 50060-00141

For: "MEMS FLOW MODULE WITH
FILTRATION AND PRESSURE
REGULATION CAPABILITIES"

) Group Art Unit: 3723

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) Examiner: L. Wilson

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) RESPONSE TO RESTRICTION

) REQUIREMENT

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<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>12/22/05</u></p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE, LLP</p> <p>BY: <u>Rudolf E. Ostgulen</u></p>
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Assistant Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Examiner takes the position in the November 3, 2005 Office Action that multiple inventions are being claimed. Applicant believes that the November 3, 2005 Office Action does not pertain to the above-captioned patent application. Initially, the Office Action references the patent application as presenting Claims 1-24. The above-captioned patent application actually presents Claims 1-60. The Examiner identifies Claims 1-6, 9-14, and 17-24 (Group I) as being drawn to an apparatus, and identifies Claims 7-8 and 15-16 as being drawn to a method (Group II). Claims 7 and 8 each are directed to a filter assembly, and each depends directly from the filter assembly of independent Claim 1. Dependent Claims 15 and 16 are each directed to a MEMS flow module.

Dependent Claim 15 depends from the MEMS flow module of independent Claim 14, while dependent Claim 16 depends from the MEMS flow module of dependent Claim 14.

Based upon the foregoing, Applicant is unable to make an election since the information provided by the Examiner in the outstanding Office Action is not consistent with the pending claims.

In the event that there are any questions or comments regarding this Response, the Examiner is invited to contact the undersigned. Enclosed is a petition for a one-month extension of time, thereby extending the time period for response from December 3, 2005 to January 3, 2006, as well as a check in the amount of \$60.00 as the fee for this extension. Please charge any underpayment or credit any overpayment to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

James L. Johnson
Registration No. 34,193
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(701) 293-7680

Date: 12/22/05